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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations on the seventh periodic report of Paraguay*

1. The Committee against Torture considered the seventh periodic report of Paraguay (CAT/C/PRY/7) at its 1546th and 1549th meetings (see CAT/C/SR.1546 and 1549), held on 26 and 27 July 2017. At its 1563rd meeting, held on 8 August 2017, the Committee adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission by Paraguay of its seventh periodic report and notes that the report was forwarded to the Committee only a few months behind schedule and that it was prepared in accordance with the simplified reporting procedure, which allows for a more focused dialogue between the State party and the Committee.

3. The Committee appreciates the dialogue held with the State party's delegation and the additional information provided during the consideration of the report.

B. Positive aspects

4. The Committee is pleased to note that the State party has adopted the following legislative measures in areas related to the Convention:

(a) The promulgation in 2016 of Act No. 5777/2016 on comprehensive protection for women against all forms of violence, which renders feminicide a criminal offence;

(b) The adoption in 2016 of Act No. 5659/2016 on promotion of the proper treatment of children and adolescents, positive child-rearing methods, and the protection of children and adolescents from corporal punishment or any other form of violence as a corrective or disciplinary measure;

(c) The adoption in 2015 of Act No. 5407/2015 on domestic labour, which prohibits such labour by persons younger than 18 years of age;

(d) The promulgation in 2012 of Act No. 4793/2012, which provides for health-care coverage for victims of the dictatorship of 1954-1989;

(e) The adoption in 2012 of Act No. 4788/2012 on human trafficking, which addresses the issue comprehensively and defines the offence of internal trafficking.

* Adopted by the Committee at its sixty-first session (24 July-11 August 2017).

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5. The Committee takes note of the State party's efforts to adjust its policies and procedures in order to provide greater protection for human rights and to apply the Convention, in particular:

(a) The recent adoption, in 2017, of a protocol on police dealings with adolescents in conflict with criminal law and of a security protocol for journalists in high-risk situations;

(b) The establishment, in 2016, of the "Marandu" centralized police information system for digitally recording complaints;

(c) The adoption, in 2016, of Decree No. 5140, under which the National Plan to Combat Violence against Women 2015-2020 was approved;

(d) The adoption, in 2015, of a protocol for processing complaints of human rights violations and a protocol for reporting acts of torture and, in 2016, the adoption of a protocol for urgent procedures for responding to complaints of human rights violations and acts of torture from persons deprived of their liberty;

(e) The establishment, in 2014, of a system for monitoring the implementation of international human rights recommendations;

(f) The establishment, in 2013, of an arrest log, and the adoption, in 2014, of Circular No. 43, which provides for mandatory oversight of the implementation of the system for the registration of persons deprived of their liberty;

(g) The implementation, in 2013, of the National Human Rights Plan, whose strategic focus area No. III covers the prevention of torture;

(h) The adoption, in 2012, of Decree No. 8309, under which the National Policy on Preventing and Combating Trafficking in Persons was approved.

6. The Committee notes with satisfaction that the State party has ratified or acceded to the human rights treaties of the United Nations and that it has submitted its periodic reports to all the corresponding treaty bodies on time. In addition, the Committee is pleased to note that, since 2003, the State party has issued a standing invitation to all special procedures mandate holders of the Human Rights Council to visit the country.

C. Principal matters of concern and recommendations

Pending follow-up issues from the previous reporting cycle

7. While acknowledging the State party's compliance with the follow up procedure (CAT/C/PRY/CO/4-6/Add.1) and the legislative and administrative advances made in combating trafficking (see paragraphs 4 (e) and 5 (h) above), the Committee regrets that no measures have been taken to ensure the implementation of the remaining recommendations identified for follow-up in its previous concluding observations (CAT/C/PRY/CO/4-6), namely strengthening the legal safeguards for detained persons (see paras. 10 and 11) and prosecution and punishment of those responsible for acts of torture and other ill-treatment (see paras. 16 and 17).

Definition of the offence of torture

8. While noting the adoption in 2012 of Act No. 4614/2012, which amends the definition of the offence of torture set out in article 309 of the Criminal Code, the Committee notes with concern that the new definition is still not in accordance with article 1 of the Convention, as it fails to mention discrimination as a specific motive for torture (arts. 1 and 4).

9. **The State party should bring the content of article 309 of the Criminal Code into line with article 1 of the Convention and identify discrimination as one of the specific motives for torture. In that connection, the Committee wishes to draw the State party's attention to paragraph 9 of its general comment No. 2 (2008), on the implementation of article 2 by States parties, in which it states that serious**

discrepancies between the Convention's definition and that incorporated into domestic law create actual or potential loopholes for impunity.

Fundamental procedural safeguards

10. While noting the measures taken by the State party to monitor compliance with procedural safeguards (see para. 5 (f) above), the Committee remains concerned about detainees' difficulties in contacting a family member or a public defender from the outset of detention. In addition, although the use of detention registers in all police stations is mandatory, the Committee is concerned that there are persistent gaps in their use, although it also notes with interest the efforts under way to incorporate the detention registers into the electronic police information system (see para. 5 (b) above). The Committee reiterates its concern regarding the lack of privacy and confidentiality in medical examinations of detainees, which are often conducted in the presence of law enforcement personnel and do not comply with the requirements of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) (art. 2).

11. **The State party should:**

(a) **Ensure that, in practice, persons deprived of their liberty enjoy all fundamental legal safeguards from the outset of their deprivation of liberty in accordance with international standards, in particular the right to: (i) notify a relative or another person of their own choosing of their detention immediately after it takes place; (ii) have access to a lawyer from the outset of their deprivation of liberty and have the opportunity to consult their lawyer in private throughout the duration of the proceedings brought against them; and (iii) request and receive a medical examination conducted in a manner that upholds the detainee's right to confidentiality and privacy by a qualified professional who has received training in the application of the Istanbul Protocol and to be given access to an independent physician if they so request;**

(b) **Establish a plan for monitoring the use of arrest logs and appropriately punish public officials who fail to fill out the logs or do not uphold fundamental safeguards.**

Public Defence

12. While noting the increase in the human and budgetary resources allocated to the Public Defender Service, the Committee regrets that the Service continues to lack the requisite operational capability for providing assistance as a matter of course, from the outset of detention, to any detainee in a police station who requests assistance because he or she cannot afford to pay for a lawyer. The Committee also regrets that it has not received information on the number of cases of alleged torture and ill-treatment verified by public defenders (art. 2).

13. **The State party should guarantee that the Public Defender Service will provide free legal assistance to persons with limited economic resources from the outset of detention and will increase the frequency and effectiveness of visits by public defenders so that they can serve as an effective safeguard for preventing torture and for monitoring the detention conditions of the persons they assist. The Public Defender Service should compile data on complaints of torture and ill-treatment made by the persons it assists and follow up on those complaints.**

National mechanism for the prevention of torture

14. The Committee welcomes the establishment of the national preventive mechanism in 2013, but is concerned about the serious constraints to the mechanism's budget, which has been reduced by 25 per cent since it became operational, preventing it from carrying out all scheduled inspection visits. The Committee is also concerned about the State party's delay in implementing the recommendations of the national preventive mechanism, even though it is required by law to do so (art. 2).

15. **The State party should take the necessary measures to ensure that the national preventive mechanism has sufficient resources to enable it to carry out its functions effectively and independently, in accordance with the Optional Protocol to the Convention and the law establishing the mechanism (Act No. 4288/11). The Committee urges the State party to make use of the Human Rights Network of the Executive Branch and other existing bodies in order to ensure that the recommendations of the national preventive mechanism are implemented, as required by law.**

Impunity for acts of torture and ill-treatment

16. The Committee reiterates its deep concern about consistent reports alleging that torture and ill-treatment are routinely practised by police and prison officials. The Committee also notes with concern that prison directors against whom repeated complaints of torture have been lodged are merely rotated to a different post rather than being suspended from their duties, investigated and punished. The Committee regrets, once again, that the information provided by the State party relates only to internal investigations against officials and does not include consolidated data on all complaints of torture, investigations, prosecutions and penalties during the reporting period, notwithstanding the questions posed by the Committee during the dialogue. According to data collected by the national preventive mechanism, between 2013 and 2016 the Specialized Unit on Human Rights Offences of the Public Prosecution Service received 873 cases against public officials, in which, unfortunately, the type of offence was not specified; 16 of the cases were prosecuted and 6 went to trial, but no final judgments have been handed down in any of the cases. The initial indictments in the majority of cases, according to the data from the national preventive mechanism, were for lesser offences, including the offence of causing bodily harm in the exercise of public functions, making it possible for the accused to negotiate an alternative and thereby avoid imprisonment. The pattern of impunity also appears to be linked to deficient investigations by prosecutors, who are unable to collect evidence and rarely intervene on their own motion, as well as to weaknesses in forensic investigations, which are not conducted in accordance with the Istanbul Protocol. The Committee remains concerned that, although the Public Prosecution Service is legally obligated to ensure protection for victims and witnesses, there is no programme for that purpose. While appreciating the information provided about the investigation into acts of torture inflicted on Antonio Benítez, and noting that the case has been in the investigative phase since 2013, the Committee regrets that it has not received additional information on investigations into alleged cases of torture against Gumersindo Toledo and Marcial Martínez (arts. 2, 12, 13 and 16).

17. **The State party should:**

(a) **Unequivocally reaffirm the absolute prohibition of torture and issue a public warning that anyone who commits acts of torture, or is complicit in or tolerates such acts, will be considered personally responsible before the law and will be subject to criminal prosecution and applicable penalties;**

(b) **Ensure that all allegations of torture or ill-treatment are investigated promptly and impartially by the Public Prosecution Service, also ensuring that there is no institutional or hierarchical connection between the investigators and the alleged perpetrators and that investigations are initiated as a matter of course whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed;**

(c) **Establish an independent, effective and confidential mechanism to provide victims of torture and ill-treatment who are deprived of their liberty with the means to submit complaints directly to the Public Prosecution Service;**

(d) **Respect the principle of the presumption of the innocence of persons investigated for acts of torture and ill-treatment while also ensuring that they are immediately suspended from their duties and remain suspended for the entire period of the investigation, particularly where there is a risk that they would otherwise be in**

a position to repeat the alleged act, retaliate against the alleged victim or hinder the investigation;

(e) **Review the internal investigation mechanisms of the police force with an eye to enhancing their effectiveness and ensuring that they are fully independent, institutionally and hierarchically, of persons under investigation;**

(f) **Ensure the standardization of forensic medical examinations of victims conducted in the course of investigations of cases of torture and improve the training provided to prosecutors, forensic physicians and judges in order to raise the quality of investigations and ensure the correct characterization of the facts;**

(g) **Ensure that the alleged perpetrators are duly prosecuted and, if found guilty, are punished in a manner that is commensurate with the seriousness of their acts. The Committee draws the State party's attention to paragraph 10 of its general comment No. 2, in which it emphasizes that it would be a violation of the Convention to prosecute persons only on charges of ill-treatment in cases where elements of torture are also present;**

(h) **Expedite the revision of Act No. 4083/2011 and create, as a matter of urgency, a specific programme for the protection of witnesses and victims of torture who are in a situation of deprivation of liberty.**

Acts of torture and ill-treatment by the Joint Task Force

18. The Committee expresses its concern about information in the report of the national preventive mechanism indicating that numerous human rights violations, including acts of torture, have been committed in the country's northern departments by the military-police unit known as the Joint Task Force. While noting that the deployment of the Joint Task Force pursuant to Decree No. 103 was reportedly authorized under the National Defence and Internal Security Act, which was amended in 2013 to allow the armed forces to participate in internal security operations, the Committee is concerned that the de facto effect of this regulatory framework has been to establish a continuous state of emergency and a militarization of security in the north. The Committee regrets that the State party has not clarified whether the aforementioned violations are being investigated and is concerned by reports indicating that some cases have been referred to military courts instead of being transferred to ordinary courts (arts. 2, 11, 12, 13 and 16).

19. **The State party should:**

(a) **Amend the regulatory framework in order to limit work relating to internal security controls to a civilian police force that has been properly trained in respect for international standards in this area;**

(b) **Ensure that all human rights violations committed by members of the Joint Task Force, including those related to acts of torture and ill-treatment, are investigated promptly, effectively and impartially and that the alleged perpetrators are tried and, if found guilty, given sentences commensurate with the gravity of their acts;**

(c) **Ensure that victims of human rights violations committed by State agents in the northern part of the country receive full reparation.**

Excessive use of force when containing demonstrations

20. The Committee is concerned by reports alleging the disproportionate use of force by the national police, including acts of torture and ill-treatment inflicted upon arrested persons, during the riots that occurred in connection with the protests in Asunción on 31 March and 1 April 2017. The Committee is also concerned about the alleged extrajudicial killing of political leader Rodrigo Quintana during that police operation, although it appreciates the information provided by the delegation about the ongoing administrative and judicial proceedings against the alleged perpetrators of those violations (arts. 2, 11 and 16).

21. **The State party should:**

(a) **Ensure that prompt, impartial and effective investigations are conducted into all allegations relating to the excessive use of force, arbitrary detention and acts of torture and ill-treatment by law enforcement officers, including those occurring during the demonstrations in Asunción on 31 March and 1 April 2017, and should ensure that the perpetrators are prosecuted and the victims receive appropriate reparation;**

(b) **Intensify its efforts to provide systematic training to all law enforcement officials on the application of the principles of precaution, proportionality and necessity with regard to the use of force, especially in the context of demonstrations.**

Investigations into the events of 2012 in Curuguaty

22. The Committee takes note of the position expressed in the State party report that the officers involved in the police-led eviction of 15 June 2012 in Curuguaty — in which 11 campesinos and 6 police officers lost their lives — acted in self-defence. However, the Committee is concerned that no formal investigations have been conducted to determine the need for and the proportionality of the use of firearms by those officers during the eviction, whereas the accused campesinos were sentenced in July 2016 to prison terms of between 4 and 30 years. The Committee also notes with concern the irregularities reported during the judicial proceedings and the lack of investigation into allegations that a number of campesinos were subjected to acts of torture and other violations (arts. 2, 12, 14 and 16).

23. **The Committee urges the State party to:**

(a) **Ensure that an independent body conducts an effective, thorough and impartial investigation into the allegations of disproportionate use of deadly force, torture and other ill-treatment reportedly committed by public officials during the raid on 15 June 2012 in Curuguaty, as well as the alleged violations of due process during the judicial proceedings carried out thus far, as agreed by the State party during the universal periodic review (see A/HRC/32/9, paras. 102.120 and 104.1, and A/HRC/32/9/Add.1, paras. 27 and 28);**

(b) **Prosecute the perpetrators and, if they are found guilty, punish them and provide reparation to the victims and their families and ensure that victims, their families and witnesses are protected at all times from possible reprisals.**

Excessive use of pretrial detention

24. The Committee reiterates its concern (CAT/C/PRY/CO/4-6, para. 19) regarding the sustained increase in the use of pretrial detention, which by the end of 2016 had reached 78 per cent of the prison population, according to data from the national preventive mechanism. The Committee regrets that, since article 245 of the Code of Criminal Procedure was amended by Act No. 4431/2011, judges are barred from applying alternative measures when, inter alia, the matter under investigation could lead to a prison sentence of more than 5 years. The Committee notes the explanations provided by the State party's delegation, according to which the excessive use of pretrial detention is also due to incorrect and overly broad interpretation of the relevant provisions by judges, and the Committee also welcomes the efforts made to reduce the use of pretrial detention and to revise the relevant regulations (arts. 2 and 16).

25. **The Committee recommends that the State party:**

(a) **Amend the existing legislation with a view to reducing the use of pretrial detention, which should be applied only as an exceptional measure on the basis of a case-by-case determination that it is reasonable and necessary; under no circumstances should pretrial detention be mandatory for all individuals charged with a particular offence (see general comment No. 35 (2014) of the Human Rights Committee on liberty and security of person, paras. 36-38);**

(b) **Encourage the use of alternatives to pretrial detention, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules);**

(c) **Ensure that the judiciary continues its efforts to monitor the need for and the length of pretrial detention and provide compensation to victims of unjustified pretrial detention.**

Conditions of detention

26. Notwithstanding the recent opening of new facilities, the Committee remains concerned about the excessive growth of the prison population since 2011, which has led to an overcrowding level of 159 per cent, according to the data provided by the delegation. The Committee is further concerned that, according to information from the national preventive mechanism, the occupancy rate would be much higher if the criteria for determining prison capacity were in line with international standards of habitability. As a result of the overcrowding, many prisoners (known as "*pasilleros*" —prisoners who sleep in corridors) lack beds and live in substandard conditions. The Committee reiterates its concern about the deplorable physical conditions, poor hygiene and lack of access to water in prisons, particularly in Tacumbú and Ciudad del Este, and about the lack of a budget to purchase food for detainees held at police stations. In addition, notwithstanding the increase in the number of prison doctors, the Committee is concerned that there are still not enough, particularly at the Emboscada Antigua and Juan Antonio de la Vega regional penitentiaries. Finally, the Committee notes with concern the persistence of corruption in prisons, which compromises access to adequate conditions of detention and leads to the application of disciplinary practices that are linked to inmates' economic means (arts. 2, 11 and 16).

27. **The Committee reiterates its previous recommendations (CAT/C/PRY/CO/4-6, para. 19) and calls on the State party to take urgent measures to bring the conditions of detention in police stations and prisons into conformity with the Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). The State party should also:**

(a) **Redouble its efforts to reduce overcrowding in places of detention, in particular by implementing the new regimes established by the Penal Enforcement Code and making use of non-custodial alternatives;**

(b) **Address, as a matter of priority, the problem of "*pasilleros*", ensuring that all persons deprived of their liberty have a roof and a bed;**

(c) **Establish the maximum capacity for each prison in accordance with the applicable international standards of habitability;**

(d) **Continue efforts to provide proper medical and health care to prisoners.**

(e) **Ensure that detainees awaiting trial in prison are housed separately from convicted prisoners, that, in police detention facilities, men are held separately from women and adolescents are held separately from adults and that women are guarded by persons of the same sex;**

(f) **Conduct an audit to investigate corruption in the prison system and formulate recommendations, in accordance with the detailed recommendations of the Subcommittee on Prevention of Torture (see CAT/OP/PRY/2, para. 64).**

Deaths while in custody

28. The Committee notes with concern that, between 2013 and 2017, 144 deaths of persons in custody were reported and regrets the lack of information on the results of the investigations into these deaths and on the compensation awarded to the families of the deceased. The Committee is also concerned about reports by the national preventive mechanism that point to negligence by the State party with respect to situations of violence between detainees, prevention of injuries and provision of medical care. The Committee is further concerned about the difficulties in obtaining justice in cases of alleged unlawful use of force by prison officials (arts. 2, 11 and 16).

29. **The State party should take the necessary steps to:**

(a) **Investigate promptly, thoroughly and impartially all deaths of persons in custody and, where necessary, perform autopsies in order to determine whether State**

officials bear any responsibility and, where applicable, impose an appropriate punishment on the guilty parties and provide appropriate reparation to the victim's family;

(b) **Establish a national registry of statistical information on the number of deaths in custody, disaggregated by place of detention, sex, age and ethnicity or nationality of the deceased, and cause of death, as well as detailed information on the findings of the investigations into such deaths.**

Disciplinary practices

30. The Committee is concerned that the new Penal Enforcement Code allows solitary confinement for up to 30 consecutive days and that, in practice, solitary confinement is being imposed for the maximum allowable period, as was confirmed by the State party's delegation. The Committee is also concerned by reports from the national preventive mechanism alleging that punishments are often imposed arbitrarily, without a prior administrative inquiry or the possibility of appeal, that forms of punishment include corporal punishment, and that prisoners are transferred arbitrarily, without judicial oversight, to places far removed from their place of origin as a form of punishment (arts. 11 and 16).

31. **The State party should take the necessary legislative and administrative measures to ensure that the Penal Enforcement Code and disciplinary practices are in line with international standards, especially rules 36 to 46 of the Nelson Mandela Rules, and, in particular:**

(a) **Prohibit corporal punishment and solitary confinement for periods in excess of 15 consecutive days;**

(b) **Ensure that solitary confinement is used only as a last resort, for as short a time as possible and subject to strict judicial oversight and control;**

(c) **Ensure that due process is observed in disciplinary proceedings against detainees;**

(d) **Make certain that prisoners are held in establishments as close to their homes as possible, space requirements permitting, and that the need for transfers is monitored by the competent authority.**

Minors in detention

32. The Committee notes with concern that 85.5 per cent of adolescents in conflict with the law were being held in pretrial detention at the end of 2016 and that, according to information provided by the national preventive mechanism, many of them suffer physical and psychological abuse at the hands of guards, teachers and directors of educational centres. The Committee deplores the deaths of four teenagers in 2014 at the Itaguá educational centre and regrets the lack of information on the investigations conducted into these deaths. The Committee is also concerned about reports of the clandestine use of punishment cells in educational centres and the application of abusive police control measures (arts. 2,12,14 and 16).

33. **The State party should:**

(a) **Conduct a thorough investigation into the deaths at the Itaguá educational centre and into all allegations of ill-treatment of minors placed in educational centres, prosecute the alleged perpetrators and ensure that appropriate penalties are imposed if they are convicted;**

(b) **Ensure that the regulatory framework for the protection of the rights of adolescents in conflict with the law is properly applied and conduct audits to verify compliance;**

(c) **Avoid pretrial detention of minors and ensure that they are brought to trial in especially speedy fashion, in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules);**

(d) **Intensify efforts to ensure the schooling of all adolescents deprived of their liberty and their inclusion in educational programmes with a vocational orientation.**

Principle of non-refoulement

34. While taking note of the regulatory framework governing the right of asylum, the Committee is concerned about the lack of procedural protocols for identifying asylum seekers who enter the State party illegally at its borders, particularly those who enter at the border with Brazil, and referring them to the national asylum system. The Committee also notes with concern that asylum seekers and refugees are especially vulnerable to the risk of becoming victims of trafficking (arts. 2, 3, 10 and 16).

35. **The State party should:**

(a) **Establish an inter-agency protection network at the border for the purpose of providing information on asylum procedures to potential applicants, improving measures to receive and assist them, facilitating the identification of possible victims of torture and trafficking, and referring them to the asylum procedure;**

(b) **Provide regular training to familiarize immigration authorities and border control officers with asylum procedures and the principle of non-refoulement and issue clear instructions about the need to process asylum applications.**

Reparation for victims of torture

36. The Committee is concerned about the lack of reparation programmes, including for the treatment of trauma and for other forms of rehabilitation, for torture victims other than those from the period of the dictatorship. The Committee also once again regrets the paucity of information provided on redress and compensation measures ordered by the courts or other State bodies during the reporting period in respect of cases of torture or ill-treatment (art. 14).

37. **The Committee urges the State party to:**

(a) **Conduct, in collaboration with specialized civil society organizations, a needs assessment with respect to rehabilitation for victims of torture;**

(b) **Provide all victims of torture or ill-treatment with full reparation for the harm they have suffered, which should include fair and adequate compensation and the fullest possible rehabilitation;**

(c) **Supply updated information on the reparation provided to victims of torture and their families.**

Follow-up to the recommendations of the Truth and Justice Commission

38. While noting the prosecution in 2016 of 10 alleged perpetrators of acts of torture committed during the period 1954-1989, the Committee is concerned about the delay in the investigation of the 18,772 cases of torture committed during the period of the dictatorship that have been identified by the Truth and Justice Commission and regrets the lack of consolidated statistics on the outcomes of those investigations to date. The Committee notes with concern that the scant progress made in the investigations led several victims to lodge a complaint in Argentina, where universal jurisdiction is applied in cases of crimes against humanity. The Committee is also concerned that, of the 400 cases of persons who disappeared between 1954 and 1989, only 36 sets of skeletal remains have been identified over a period of 10 years (arts. 2,12,14 and 16).

39. **The State party should:**

(a) **Ensure that all acts of torture and ill-treatment identified by the Truth and Justice Commission during the dictatorship are promptly investigated and that those responsible are punished commensurately with the seriousness of their acts;**

(b) **Ensure the protection of victims, witnesses and their families and guarantee the right of victims to receive full reparation;**

(c) **Intensify efforts to locate and identify all persons who were victims of enforced disappearance during the period 1954-1989, in accordance with the recommendation of the Committee on Enforced Disappearances (CED/C/PRY/CO/1, para. 28).**

Gender-based violence and women in detention

40. While it welcomes the legislative and administrative measures taken to combat gender-based violence (see paras. 4 (a) and 5 (c) above), the Committee is alarmed by the high number of calls concerning domestic violence received by the 911 police telephone service (32,883 calls in 2014). It notes with concern that only 4 per cent of those calls resulted in cases being reported to the police, according to the State party report. Furthermore, the Committee is concerned by accounts which indicate that, even though domestic violence is a publicly actionable offence, 80 per cent of reported cases are closed because of the withdrawal of the complaint by the victim. The Committee also regrets the scarcity of official data on the results of investigations into such cases. In addition, the Committee is troubled by the use of vaginal searches and enforced stripping as security control measures at women's prisons, although it appreciates the information provided by the delegation on the efforts being made to replace these methods with metal-detector scans (arts. 2, 12 and 16).

41. **The State party should:**

(a) **Intensify its efforts to combat all forms of gender-based violence, ensuring that publicly actionable offences are investigated ex officio, that the suspected perpetrators are prosecuted and, if convicted, are subject to appropriate penalties and that victims receive full reparation for the harm they have suffered;**

(b) **Closely monitor body-search procedures and ensure that they are not degrading to either detainees or, where applicable, visitors to prison facilities, in accordance with rules 50 to 53 and rule 60 of the Nelson Mandela Rules.**

Follow-up procedure

42. The Committee requests the State party to provide information on its follow-up to the Committee's recommendations set out in paragraphs 15, 17 (b), (d) and (g), and 19 above by 11 August 2018. The State party is also invited to inform the Committee about its plans for acting upon some or all of the remaining recommendations set out in the present concluding observations during the next reporting period.

Other issues

43. The Committee invites the State party to ratify the United Nations human rights protocols to which it is not yet party, namely the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

44. The State party is invited to disseminate its report to the Committee and these concluding observations widely in all relevant languages through official websites, the media and non-governmental organizations.

45. The Committee invites the State party to submit its eighth periodic report by 11 August 2021. To that end, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its eighth periodic report under article 19 of the Convention.